

Exhibit A

Objections 86–88

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OBJECTION

86

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

| | |
|--|--|
| In re: FACEBOOK, INC. CONSUMER PRIVACY USER PROFILE LEGISLATION | MDL No. 2843 Case No. 18-MD-02843-VC |
| This document relates to: Document 1145 | OBJECTION TO PLAINTIFFS' NOTICE OF MOTION AND MOTION FOR FINAL SETTLEMENT APPROVAL |
| | Judge: Hon. Vince Chhabria Courtroom: 4, 17 th Floor Hearing Date: September 7, 2023 Hearing Time: 1:00 PM |

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SEP 05 2023

CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA

Overview

May it please the Court,

I am a member of the Settlement Class in the proposed “Facebook User Privacy Settlement”. I seek leave of the court to file a late Objection on the grounds that I did not, in fact, receive notice¹ of the Settlement before² the Objection Deadline (nor, for that matter, before the Claim Deadline).

Assuming that leave will be granted, I also state the substance of my objection.

Basis of Membership in Class

I have had a Facebook account for the majority of the time period covered by the settlement, if not all of it. I don’t remember exactly when I created an account, but my own first post on my Timeline was dated in February 2009, and I still have a Facebook account.

¹ See generally Uniform Commercial Code, §1-202. Notice; Knowledge.

² Const., Art. I, section 9: “No Bill of Attainder or ex post facto Law shall be passed.”

And I have resided in the United States for the entirety of the time period. I am a citizen of the United States, and have lived in [REDACTED] for most of my life, and all of the settlement period; only [REDACTED]
[REDACTED]

My claim form, identifying my Facebook profile, is attached as Exhibit 1.

General Comments on the Settlement

I am ambivalent regarding the overall appropriateness of the settlement.

On the one hand, had I joined the litigation earlier, I might have written as *amicus curiae* defending Facebook's conduct as reasonable, or at least within the range of what other technology companies should be allowed to do. The fourteen class actions that were initially consolidated into this multi-district litigation all "stem[med] from the same alleged factual predicate—Cambridge Analytica's unauthorized use of Facebook users' data."³ [REDACTED]

[REDACTED]⁴ on a page on another website⁵ carrying a summary and user discussion of a news article⁶ about how a certain defendant was acquitted based on the social-media activity of the officer who arrested him. See Exhibit 2. And in October 2015, shortly before the events that gave rise to this suit, [REDACTED]
[REDACTED]

[REDACTED] See Exhibit 3.

In other words, I was personally aware both long before and soon before the events that triggered this litigation that my Facebook postings and profile information could be public, or might be accessed by Facebook's business partners, my own government, foreign governments, and other third parties.

And some responses by social-media companies in response to this and other similar lawsuits have ostensibly protected consumer privacy, but have had the practical effect of reducing the service's

3 Facebook, Inc.'s response in support of plaintiffs' motions to transfer related cases for consolidated pretrial proceedings, Document 4 at p. 8 (p. 13 of 22 in the PDF)

4 [REDACTED]

5 "Suspect Freed After Exposing Cop's Facebook Status". *Slashdot*, 11 March 2009.
<https://news.slashdot.org/story/09/03/11/2235202/suspect-freed-after-exposing-cops-facebook-status>

6 "The Officer Who Posted Too Much on MySpace". *New York Times*, March 10, 2009.
https://www.nytimes.com/2009/03/11/nyregion/11about.html?_r=2

7 [REDACTED]

utility to me as a particular user of the service while also having other benefits to the social media operator.

In Facebook's case, there was a time when Facebook's reminder e-mail messages about posts I hadn't seen would include a short excerpt of the text, allowing me to easily triage posts for further reading without visiting the site. Ending that feature may have been a slight privacy improvement by adding a barrier to using an e-mail inbox to capture and archive users' posts, but it also had the effect of driving users to the site; where the reading users themselves gave up personal information about their interests and reading habits.

As a similar example from another social-media-service operator, Google launched a "Google+" social-media service in 2011. [REDACTED] From 2015 to 2018, a "software glitch" allowed outside application vendors access to private Google+ profile data.⁸ In 2018, after the data leak was made public, certain plaintiffs sued Google. Google's response was to shut down the service, which caused data-loss and other inconvenience for users, [REDACTED] who had posted content there. In 2020, it settled the lawsuit, paying \$2.15 (yes, two dollars and 15 cents)⁹ to each of about 1.7 million claimants who had filled out the claim form; out of an estimated 52 million people who had been affected by one of the breaches at issue in the suit.

It also bears mentioning that Facebook's Cambridge Analytica leak, at issue in this very case, was referenced in the original complaint in the Google+ litigation.¹⁰

On the other hand, the settlement amount is a paltry sum compared to Facebook's resources or the likely number of U.S. users. The Settlement Fund of \$725 million is only about a thousandth of Facebook's current market capitalization of about \$746 billion¹¹, or only about twice that proportion of Facebook's 2018 market capitalization of \$374 billion. It's less than one per cent of Facebook's 2022 annual revenue of \$116 billion.¹² And the Pew Research Center estimates that about 69% of adult residents of the United States are Facebook users¹³, which suggests¹⁴ that there are at least 179

8 *Matt Matic and Zak Harris v. Google, Incl. And Alphabet, Inc.* Class Action Complaint, ¶20, p. 5. Case 5:18-cv-06164-EJD, Document 6 (page 7 of the PDF available on PACER).

9 See generally "Google+ class action starts paying out \$2.15 for G+ privacy violations". *Ars Technica*, 8/4/2021, 12:21 PM. <https://arstechnica.com/gadgets/2021/08/google-class-action-starts-paying-out-2-15-for-g-privacy-violations/>. Note that the site <https://www.googleplusdatalitigation.com/> cited in the news article is no longer available.

10 *Matt Matic and Zak Harris v. Google, Incl. And Alphabet, Inc.* Class Action Complaint, ¶22, p. 7, and ¶30, p. 7 (pages 7 and 9 of the PDF).

11 <https://companiesmarketcap.com/meta-platforms/marketcap/>.

12 <https://finance.yahoo.com/quote/META/financials?p=METAC>

13 "10 facts about Americans and Facebook". Pew Research Center.

<https://www.pewresearch.org/short-reads/2021/06/01/facts-about-americans-and-facebook/>

million potential claimants in this suit. Divided evenly among the claimants, that would be only about \$4.00 (four dollars) per person.

That's less than an hour's wages for someone working minimum wage. Multiple plaintiffs alleged that, since the data breach, they each spend one to two hours *every month* monitoring their credit, bank, and other account statements for evidence of identity theft and fraud, and anticipate continuing to do so for the foreseeable future.¹⁵ It would arguably be prudent for me to do that as well, and [REDACTED] In my case it wouldn't be due to Facebook alone, as I've also received direct notice of [REDACTED]

[REDACTED] several other data breaches, including at [REDACTED]

[REDACTED] However, every leak makes the problem worse, and companies who allow their consumer data to leak are arguably jointly and severally liable for any harm that ensues.

Now, it might be argued that various changes in practices by Facebook during this litigation are worth something, and should be counted as part of the value of the settlement. Indeed, Derek Loeser and Lesley Weaver make such an argument in their declaration.¹⁶ But many of those changes were also in response to an investigation by the Federal Trade Commission and similar investigations by other governmental entities, many of them in foreign nations.

In the end, I'd be hard-pressed to say that the settlement is outside the range of possible or likely outcomes; but I also remain skeptical that the plaintiffs' attorneys have actually done work and contributed real value to fully merit any fixed percentage of the settlement amount.

Objection to Notification Plan

Loeser and Weaver aver that "The Notice program has been extensive and successful. The Settlement Administrator calculates that 93.43% of the Class received notice an average of 3.16 times each."¹⁷ Nevertheless, the fact remains that I did not, in fact, receive actual notice of the proposed settlement that I was able to act upon before the claim deadline. My wife, also a

14 Taking population and proportion of adults from Census statistics. "U.S. Census Bureau Quick Facts: United States". <https://www.census.gov/quickfacts/fact/table/US/LFE046221>

15 *In Re Facebook*. Amended Complaint against Steven Bannon *et al.*, e.g. at ¶¶34, 42, 50, and 59. Filed 2/22/2019. Document 257.

16 Declaration of Derek W Loeser and Lesley E. Weaver in Support of Plaintiffs' Motion for Preliminary Approval of Class Action Settlement Pursuant to Federal Rule of Civil Procedure 23(e)(1). Document 1096-1. ¶¶114–150, pp. 30–40.

Facebook user, was also unaware of the lawsuit or the proposed settlement when I discussed it with her after the claim deadline had passed. I have a neighbor [REDACTED] who has had multiple Facebook accounts [REDACTED] [REDACTED] and she [REDACTED] also was unaware of the settlement when I asked her about it after the claim deadline.

Part of that may be because I am a careful consumer of media. I do not subscribe to *USA Today* or *People*.¹⁸ (Around the time this lawsuit was commenced, [REDACTED])

| Term | Percentage |
|------------|------------|
| GMOs | 95 |
| Organic | 95 |
| Natural | 95 |
| Artificial | 85 |
| Organic | 85 |
| Natural | 85 |
| Artificial | 85 |
| Organic | 85 |
| Natural | 85 |
| Artificial | 85 |
| Organic | 85 |
| Natural | 85 |
| Artificial | 85 |

My first notice of the settlement was in a Facebook discussion between one of my friends and another person, which I actually saw on Saturday August 26th, the day after the claim deadline and a few weeks after the objection deadline.¹⁹ See Exhibit 4.

The Plaintiffs' Counsel mention an "in-app notice program". It is still not clear to me what that notice-program consisted of. If it was a "banner ad", it's possible that it appeared on a part of my screen that was rendered in my browser, but not one that was actually visible to me (because of how I scrolled the page, or because other applications' windows were in the way). Or perhaps if it was an item in my social feed, I actually did scroll past it, because it was indistinguishable at first glance from advertisements for class-action lawsuits or settlements that do not concern me, such as asbestos, women's health products, and Camp Lejeune.

¹⁷ Plaintiffs' Notice of Motion and Motion for Final Settlement Approval, p. 4. Document 1145, filed 07/11/23 (page 11 in the PDF). Citing Weisbrot Preliminary Approval Decl. ¶¶ 19-21.

18 *op. cit.*, p. 5.

19

. Citing <https://www.cnn.com/2023/08/17/business/facebook-privacy-settlement-claim-deadline/index.html> and <https://facebookuserprivacysettlement.com/>

For an example of what a better in-app notice program might have included, consider Wikipedia's roughly-annual donation drive. During the drive, a distinctive banner appears at the top of every page, with a border, unlike other content. See Exhibit 5. The wording has been criticized,²⁰ but the placement is calculated to actually reach almost all readers.

Or as another example, in the Boy Scouts of America bankruptcy case, the noticing program to potential claimants included direct notice by e-mail to "anyone in the Debtors' database (current and former scouts, volunteers, and parents) who provided an email address to the Debtors since 1999."²¹ It also included supplemental notice; one component of that supplemental notice was to print the entire Abuse Claims Publication Notice "in six magazines, as follows: *AARP Bulletin, The American Legion, Parade, People, Reader's Digest, and Sports Illustrated.*"²² Two months before the bar date, the Court also ordered that an explicit statement of the Bar Date be added to certain Law Firm Advertising.²³

In light of the estimated 7% of the Class who did not receive notice, and the apparent majority of the Class who did not acknowledge notice by visiting the settlement website or any other communication or action, I would encourage the Court to extend the objection and claim deadlines by at least three months, at least as to those claimants who can affirm that they did not receive notice before the objection deadline, and to order an additional, more comprehensive, noticing program.

Other Objections

I join in the objection by All of Us or None²⁴ that the Plan of Allocation is unclear as to the treatment of Facebook users who are not natural persons.

I join in part with the objectors Steven Harris and Ryan Cino.²⁵ I disagree that the users with the most friends were necessarily the most likely to have been harmed. Indeed, those users who were less savvy, and had fewer friends but trusted them more because of their naïvete, might have been harmed more than "power users" of the platform who only used it to amplify their otherwise public

20 Evan Warfel, "Wikipedia's Appeal". *Medium*. Post dated Jul 24, 2019. <https://evanwarfel.medium.com/wikipedias-appeal-87ec37cb48dd>

21 Declaration of Shannon R. Wheatman, Ph.D. Regarding Implementation of Supplemental Notice Plan to Provide Notice of Bar Date to Abuse Survivors. *In re Boy Scouts of America and Delaware BSA, LLC* (Bankruptcy Court for the 1st District of Delaware), case 20-10343-LSS, document 1758. ¶13, pp. 4–5.

22 *op. cit.*, ¶27, p. 7.

23 *In re Boy Scouts of America and Delaware BSA, LLC*. Supplemental Order dated September 16, 2020. Case 20-10343-LSS, document 1331. Finding D.i., p. 7.

24 Objection to Final Approval by All Of Us Or None. Document 1155, filed 7/26/23.

25 Objection of Stewart Harris and Ryan Cino to Class Action Settlement. Document 1154, filed 02/26/23.

voices. However, I agree that greater weight should be given to users' time on the platform before the Cambridge Analytica news story broke, or before Facebook made specific changes in response to it. I agree that the release is overly broad.

I join in the objection by Ms. Feldman and Ms. Mahaney.²⁶ Specifically, I agree that the 99.9 % discount of available statutory damages is neither reasonable nor adequate and that Class members who joined Facebook before 2010 should receive higher compensation. I also agree that compensation to Class Counsel should be less than what is requested in the settlement agreement, considering that this is a "megafund recovery".

Answers to Additional Questions on the Objection Form

I do not believe I have previously objected to a class action settlement. I cite the Google+ litigation above, and believe I should have been a member of the class, but as I recall I first learned about that case after the objection deadline had passed. I do not recall whether I submitted a claim.

I have not sold or otherwise transferred the right to my recovery in this action to any other person or entity.

I am not represented by an attorney.

Conclusion

For the foregoing reasons, I respectfully request that the Court deny final approval of the proposed settlement.

In the alternative, I request that the Court order that my claim be admitted and paid as if filed timely, even though I signed it after the claim deadline.

I intend to appear via Zoom at the September 7th hearing.

/s/
David Lee Lambert

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

²⁶ Objection of Class Members Sarah Feldman and Jill Mahaney to Plaintiffs' Motion for Final Settlement Approval and Motion For Attorney's Fees. Document 1147, filed 7/19/2023.

Exhibit 1

Claim Form

Your claim must be submitted online or postmarked by: August 25, 2023

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

In re: Facebook, Inc. Consumer Privacy User Profile Litigation
Case No. 3:18-MD-02843-VC
www.FacebookUserPrivacySettlement.com

FCP

Claim Form

I. YOUR CONTACT INFORMATION

Provide your name and contact information below. You must notify the Settlement Administrator if your contact information changes after you submit this form. NOTE: The personal information you provide below will be processed only for purposes of effectuating the Settlement.

DAVID

First Name

LAMBERT

Last Name

[REDACTED]
Street Address

[REDACTED]
City

[REDACTED]
State

[REDACTED]
Zip Code

[REDACTED]
Current Phone Number

[REDACTED]
Email Address

II. DETAILS

Did you reside in the United States at any time between May 24, 2007 and December 22, 2022, inclusive?

Yes

No

Were you a Facebook user at any time between May 24, 2007 and December 22, 2022?

Yes

No

Are you filling a claim for a current account, a deleted account or a combination of both?

Current

Deleted

Both

CURRENT ACCOUNT

Enter the email address(es), phone number(s), and/or username(s) associated with your Facebook account between May 24, 2007 and December 22, 2022:

Current Email(s):

1. [REDACTED]
2. [REDACTED]
3. [REDACTED]

Current Phone Number(s):

1. [REDACTED]
2. [REDACTED]
3. [REDACTED]

Current Username(s):

For instructions about how to find your Facebook username, please see FAQ 17 at <https://facebookuserprivacysettlement.com>.

1. [REDACTED]
2. [REDACTED]
3. [REDACTED]

DELETED ACCOUNT(S)

If you were a Facebook user at any time between May 24, 2007 and December 22, 2022, but have since deleted your account(s), complete the chart below for each deleted Facebook account.

| # | Account ID Type (Select from: Phone Number, Username or Email Address) | Enter the Phone Number, Username or Email Address associated with your deleted account | Approximate Start Date | Approximate End Date |
|---------|---|---|---------------------------|-------------------------|
| Example | Phone Number | 111 111 1111 | 1/1/2010 | 12/31/2010 |
| 1. | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] |
| 2. | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] |
| 3. | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] |

III. METHOD FOR RECEIVING PAYMENT (choose one)

Please make sure the email or phone number you provide to receive payment matches your contact information above.

Please select one of the following payment options:

Prepaid Mastercard – Enter the **email address** where you will receive the Prepaid Mastercard:

PayPal - Enter your **PayPal email address**: XXXXXXXXXX

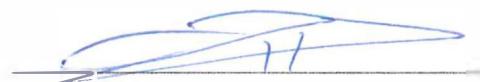
Venmo - Enter the **mobile number** associated with your Venmo account: _____

Zelle - Enter the **email address or mobile number** associated with your Zelle account:

Physical Check - Payment will be mailed to the address provided above.

IV. VERIFICATION AND ATTESTATION UNDER OATH

By signing below and submitting this Claim Form, I hereby swear under penalty of perjury that I am the person identified above and the information provided in this Claim Form is true and correct.


Your signature

DAVID LEE LAMBERT
Your name

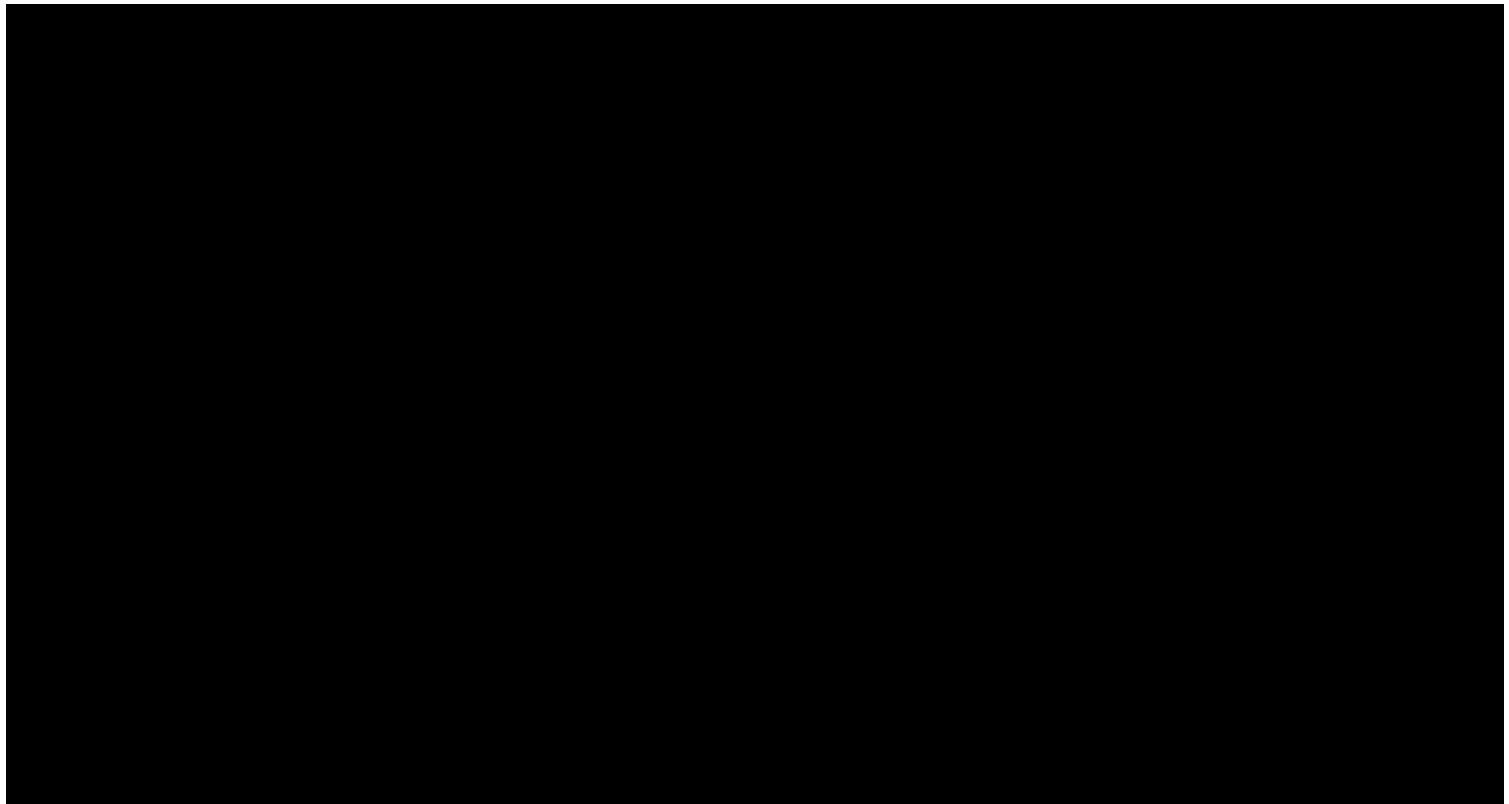
Date: 08/26/2023
MM DD YYYY

REMINDER CHECKLIST

1. Please make sure you answered all the questions on the Claim Form. Be sure to select only one payment option.
2. Please make sure that you signed and dated the Claim Form.
3. Please keep a copy of your completed claim form for your own records.
4. Please submit your completed Claim Form online OR by mail by August 25, 2023 to: Facebook Consumer Privacy User Profile Litigation, c/o Settlement Administrator, 1650 Arch Street, Suite 2210, Philadelphia, PA 19103.

Exhibit 2

- a. Facebook posting dated March 12, 2009*
- b. Slashdot summary dated March 11, 2009*
- c. New York Times article dated March 10, 2009*



Suspect Freed After Exposing Cop's Facebook Status - ... <https://news.slashdot.org/story/09/03/11/2235202/suspe...>

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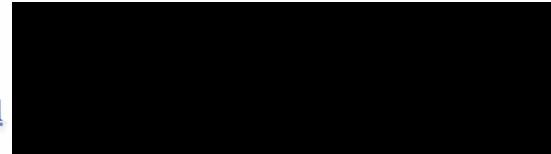
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[Suspect Freed After Exposing](#)

[Cop's Facebook Status](#)

Posted by samzenpus on 22:40 Wednesday 11 March 2009 from the goblin-
[longacre](#) writes "A man on trial in New York for possession of a weapon has been acquitted after subpoenaing his arresting officer's Facebook and MySpace accounts. His defense: Officer Vaughan Ettienne's MySpace 'mood' was set to 'devious' on the day of the arrest, and one day a few weeks before the trial, his Facebook status read 'Vaughan is watching "Training Day" to brush up on proper police procedure.' From the article: "'You have your Internet persona, and you have

Suspect Freed After Exposing Cop's Facebook Status - ...

<https://news.slashdot.org/story/09/03/11/2235202/suspe...>

what you actually do on the street," Officer Ettienne said on Tuesday. "What you say on the Internet is all bravado talk, like what you say in a locker room." Except that trash talk in locker rooms almost never winds up preserved on a digital server somewhere, available for subpoena."



story

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San Francisco

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2 (Score:4, Insightful)

[ic \(736637 \) Alter Relationship](#) on 22:42

March 2009 ([#27161347](#))

ctually WORKED? Sorry, but that is nothing more than talk". If silly bits and pieces like that are valid he idiotic judge just opened a massive can of precedent, asshole. No more joking on the internet one could take it seriously!

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Suspect Freed After Exposing Cop's Facebook Status - ... <https://news.slashdot.org/story/09/03/11/2235202/suspe...>**nell? (Score:5, Insightful)**[143245 \) Alter Relationship](#) on 22:44 Wednesday[\(#27161363\)](#)

ly needed is a reasonable doubt.

**nell? (Score:5, Funny)**[94 \) Alter Relationship](#) on 23:20 Wednesday 11[\(#27161685\)](#)

it had better hope never to see:

ian Ettienne's MySpace "mood" set to "vigilante"

[Photos] Kellyanne Conway's Partner Might Look Familia...

Try Not To Choke, When You See Her New Wife

Sponsored | Boite A Scoop

iction? "Turing Evolved" - AI, Mecha, Androids battles. What more could you want?

**nell? (Score:5, Interesting)**[Alter Relationship <\[imipakl \[at\] yahoo.com\]>](#) on12 March 2009 ([#27162485](#)) [Homepage Journal](#)

would have legal grounds for getting the officer vigilantism has been a crime for a while, and "eats" were added shortly after 9/11), possibly force, and maybe even jailed.

be considered a bad thing. Getting rid of bent way you can ever ensure law enforcement is free f the corrupt advertise their corruption, do not r it, nail the bastards to the courtroom wall.

ow the reason nobody trusts those with power, seemingly corrupts? Easy. Power doesn't corrupt, k power, and society hands that power to those est (ie: are the least stable). If you want those to be responsible, then do not permit the iwithin a mile of authority.

ld and it smells funny; I'd buy another if it wasn't Take back what I paid (SoM)

**XPRIZE's Jono Bacon On the Next Great...**<https://news.slashdot.org/>**Ads Based On Browsing History Are...**<https://news.slashdot.org/>

A New York Police Officer Who Put Too Much on MySpace... <https://www.nytimes.com/2009/03/11/nyregion/11about...>

The New York Times <https://www.nytimes.com/2009/03/11/nyregion/11about.html>

ABOUT NEW YORK

The Officer Who Posted Too Much on MySpace

By Jim Dwyer

March 10, 2009

In pictures, Vaughan Ettienne is a champion bodybuilder of surreal musculature. In conversation, he is polite and thoughtful.

And in the looking glass of his computer screen, he becomes a man of fierce, profane views on how to keep law and order. A few weeks ago, he posted a description of his mood on a MySpace account. “Devious,” he wrote.

The next day, a man accused of carrying a loaded gun would go on trial in State Supreme Court in Brooklyn and in large part, the case rested on the credibility of Vaughan Ettienne, bodybuilder, Internet user and arresting officer.

What seemed like a simple gun possession case became an undeclared war over reality: Was Officer Ettienne a diligent cop who found a gun after chasing an ex-convict weaving through traffic on a stolen motorcycle? Or was his story a “devious” facade in keeping with the ruthless character he revealed on social network Web sites?

“You have your Internet persona, and you have what you actually do on the street,” Officer Ettienne said on Tuesday. “What you say on the Internet is all bravado talk, like what you say in a locker room.”

Except that trash talk in locker rooms almost never winds up preserved on a digital server somewhere, available for subpoena. The man on trial, Gary Waters, claimed that Officer Ettienne and his partner stopped him, beat him and then planted a gun on him to justify breaking three of his ribs.

Suddenly, Officer Ettienne was being held to the words that he wrote in cyberspace.

Besides the “devious” mood setting, the jurors learned that a few weeks before the trial, the officer posted this status on his Facebook page: “Vaughan is watching ‘Training Day’ to brush up on proper police procedure.”

That referred to a 2001 movie starring Denzel Washington as a narcotics detective who pillaged and plundered Los Angeles. “The defense lawyer brings up ‘Training Day’ like I

A New York Police Officer Who Put Too Much on MySpace... <https://www.nytimes.com/2009/03/11/nyregion/11about...>

was trying to emulate Denzel,” Officer Ettienne said. “He ties the defense to the story in the movie. It was a masterful piece of fantasy but it was one that the jury bought.”

In fact, Mr. Waters, on parole from a burglary conviction when he was arrested, beat the most serious charge, the felony possession of a 9 millimeter Beretta and a bagful of ammunition. He was convicted of resisting arrest, a misdemeanor.

When the case started, the defense was going to focus more on what was in the officer’s body than on his mind. Officer Ettienne had been suspended for using steroids legally, he says, with a doctor’s prescription. The defense lawyer, Adrian Lesher of the Legal Aid Society, argued last year that steroids might have created irrational rage in Officer Ettienne.

Then Mr. Lesher tracked down comments Officer Ettienne had made on the Internet about video clips of arrests. An officer should not have punched a handcuffed man, Officer Ettienne wrote. “If he wanted to tune him up some, he should have delayed cuffing him.”

He added: “If you were going to hit a cuffed suspect, at least get your money’s worth ‘cause now he’s going to get disciplined for” a relatively light punch.

“I’m not going to say it was the best of things to do in retrospect,” Officer Ettienne said. “You want to run your mouth with the best of them. As the lawyer Ron Kuby says, stupidity on the Internet is there for everyone to see for all times in perpetuity. That’s the case for me. There were hundreds of comments I made that were positive.”

Officer Ettienne said he has never been disciplined for brutality.

From the defense side, the mouth-running was a gift outright. “It supported our theory of the case this guy was motivated to cover up his use of excessive force,” Mr. Lesher said.

The prosecutor, Kevin James, tried to persuade the judge, Joel M. Goldberg, that remarks like the one about “Training Day” had nothing to do with the arrest. “It goes into artistic interpretations to a movie, directorship, actors,” Mr. James said.

“I don’t think it’s enlightening.” The judge replied, “If you want to redirect and the witness says I liked it because of the cinematography, he can say that.”

Officer Ettienne said he is now being careful to mask his identity on the Web and that he has curbed his tongue because of the acquittal. “I feel it’s partially my fault,” he said. “It paints a picture of a person who could be overly aggressive. You put that together, it’s reasonable doubt in anybody’s mind.”

E-mail: dwyer@nytimes.com

A New York Police Officer Who Put Too Much on MySpace... <https://www.nytimes.com/2009/03/11/nyregion/11about...>

Exhibit 3

Facebook posting dated November 2, 2015

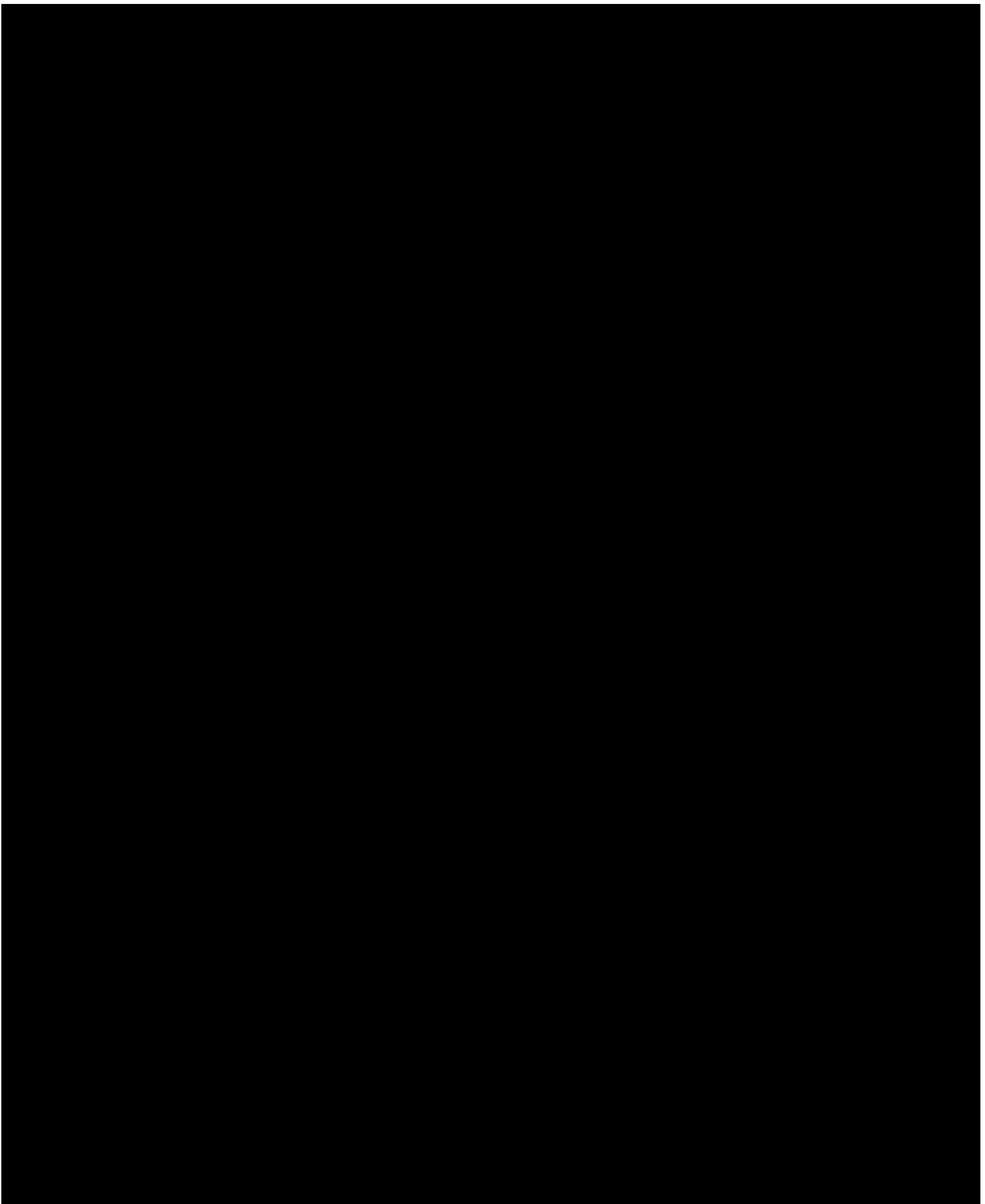
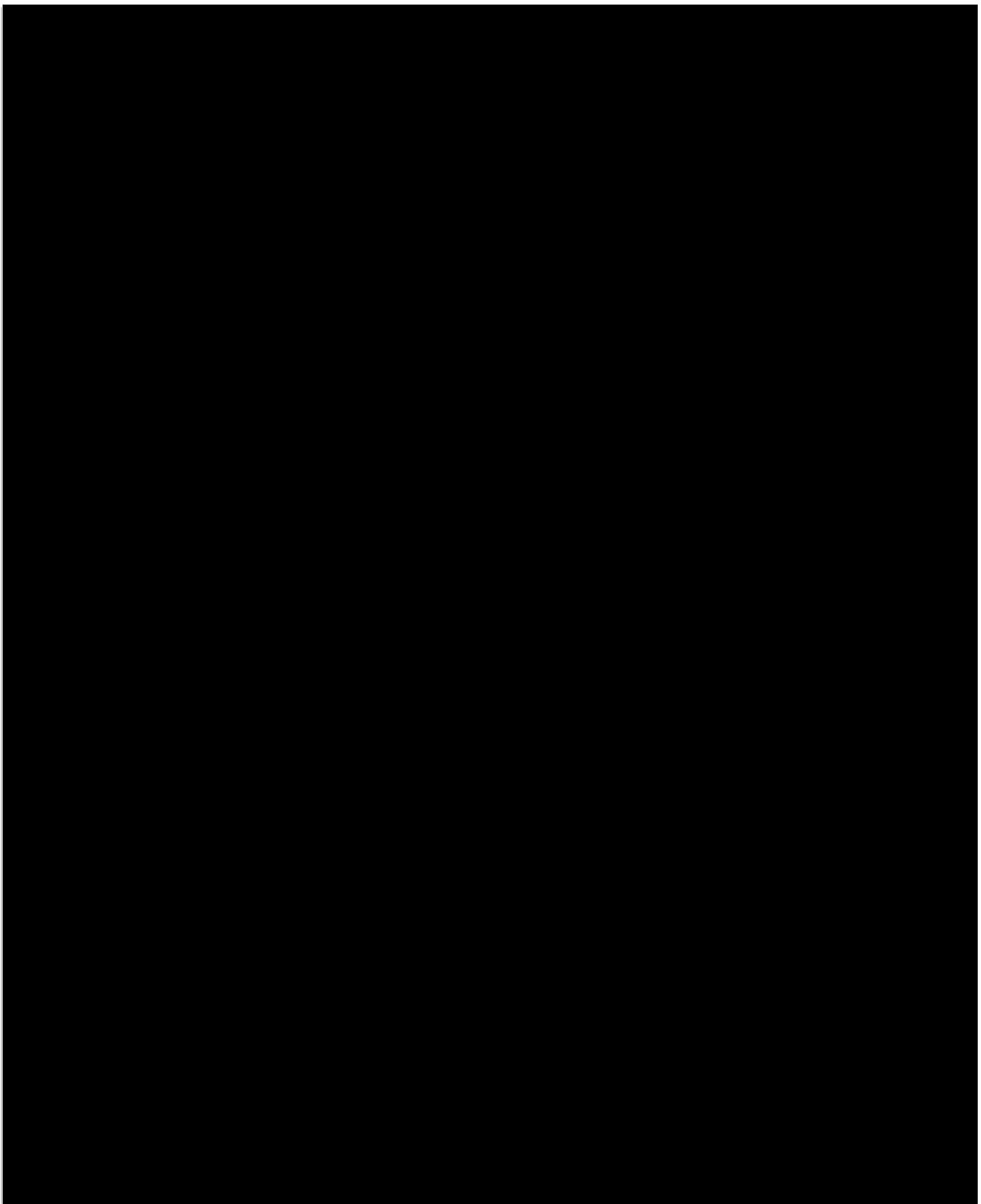


Exhibit 4

Facebook posting dated August 18th, 2023; and comments



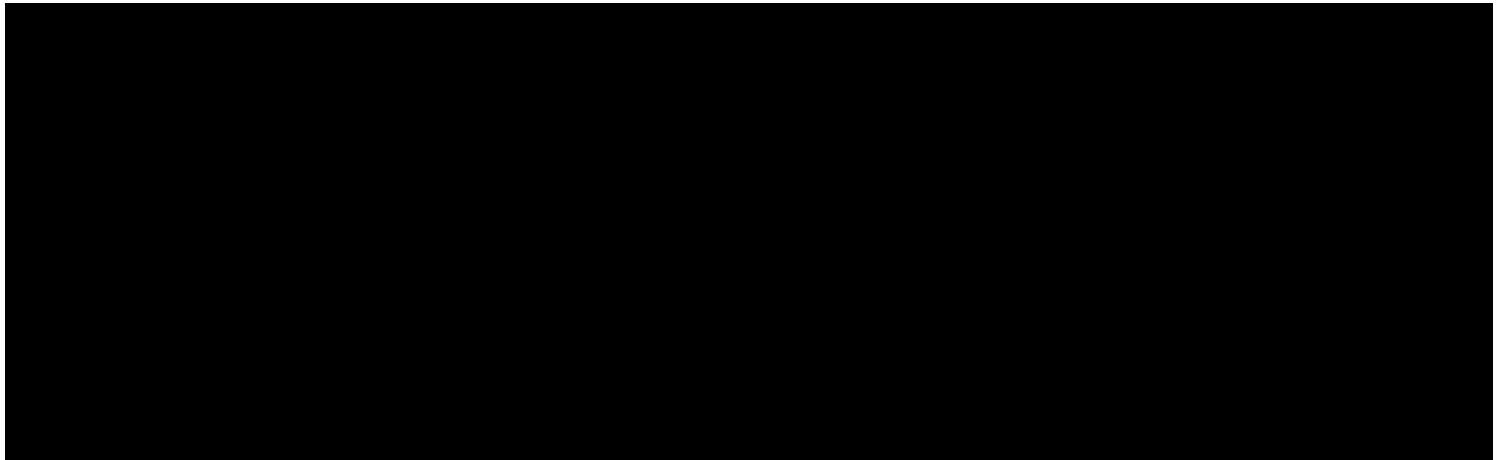


Exhibit 5

Medium article about Wikipedia

Wikipedia's Appeal. The text of Wikipedia's recent mon...

<https://evanwarfel.medium.com/wikipedias-appeal-87e...>[Open in app](#)

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Member-only story

Wikipedia's Appeal

Evan Warfel · [Follow](#)

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To all our readers in the U.S.,

It's a little awkward, so we'll get straight to the point: This Thursday we humbly ask you to defend Wikipedia's independence. We depend on donations averaging about \$16.36, but 99% of our readers don't give. If everyone reading this gave \$2.75, we could keep Wikipedia thriving for years to come. The price of your Thursday coffee is all we need. When we made Wikipedia a non-profit, people warned us we'd regret it. But if Wikipedia became commercial, it would be a great loss to the world. Wikipedia is a place to learn, not a place for advertising. It unites all of us who love knowledge: contributors, readers and the donors who keep us thriving. The heart and soul of Wikipedia is a community of people working to bring you unlimited access to reliable, neutral information. Please take a minute to help us keep Wikipedia growing. Thank you.

Problems donating? | Other ways to give | Frequently asked questions | Wikipedia is a 501(c)(3) nonprofit, tax-exempt organization. If you make a recurring donation, you will be deducted from your taxes. You can cancel your donation at any time. For more information, see our [cancellation instructions](#).

1. How often would you like to donate?

Just once Give monthly

2. Select an amount (USD)

| | | |
|--------|-------|-------|
| \$2.75 | \$20 | \$50 |
| \$5 | \$30 | \$100 |
| \$10 | Other | |

3. Please select a payment method

Credit Card PayPal Bank Transfer

[Maybe later](#)

By now, I imagine, we are all familiar with Wikipedia's Appeals for donations. I am an avid fan of Wikipedia, I use it all the time, and I want the appeal to be successful.

I find the text above interesting because the implicit messaging is in direct conflict with the explicit goal of getting people to donate money. For example, if boiled down to a sentence, the logic of the text goes: *Nearly 100% of people do not donate to Wikipedia, Wikipedia is a non-profit that depends on donations, therefore you should donate.*

Though this argument may make internal sense to the Wikimedia Foundation, and though it likely the result of a lot of tweaking, unfortunately, it runs counter to basic psychological principles, including a) how communication works, b) persuasive-rhetorical techniques like social proof.

The main thing Wikipedia's appeal ignores is that people implicitly communicate

Wikipedia's Appeal. The text of Wikipedia's recent mon...

<https://evanwarfel.medium.com/wikipedias-appeal-87e...>

assumptions and presuppositions alongside what they are explicitly communicating. [1] For example, the one-sentence logical summary communicates the following:

99% of other rational people don't donate to Wikipedia. Maybe there is a reason. Why do it if other people don't?

Generally speaking, this is not something you want to be communicating to people right before you ask them for money. It also seems disingenuous. The English Wikipedia gets 3 Billion page views per month from the United States alone, and at that scale, human intuition about percentages isn't great: it would be surprising if slightly less than 30 million (1% of 3 Billion, which also happens to be 1 out of every 10 people in the US) donated to Wikipedia each month.

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Wikipedia's Appeal. The text of Wikipedia's recent mon...

<https://evanwarfel.medium.com/wikipedias-appeal-87e...>



Jonathan Lethem
New York Times Best-Selling
Author



Susan Orlean
Staff Writer
The New Yorker



Dr. Tom Frieden
Former CDC Director



Savala Nolan
Professor, UC Berkeley School of
Law



Roger Martin
Professor, Strategy Advisor,
Former Dean



Julie Zhuo
Former VP of Product Design,
Facebook



Ryan Holiday
Best-Selling Author and
Entrepreneur



Laura Vanderkam
Best-Selling Author, TED Speaker

Upgrade



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Soon to be a UC Davis Psych Grad Student / Writer / Data Scientist / Humanist.

More from Evan Warfel

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

In re: FACEBOOK, INC. CONSUMER
PRIVACY USER PROFILE LEGISLATION

MDL No. 2843
Case No. 18-MD-02843-VC

**OBJECTION TO PLAINTIFFS' NOTICE OF
MOTION AND MOTION FOR FINAL
SETTLEMENT APPROVAL**

Judge: Hon. Vince Chhabria
Courtroom: 4, 17th Floor
Hearing Date: September 7, 2023
Hearing Time: 1:00 PM

AFFIDAVIT OF SERVICE

I, David Lee Lambert, depose and say that I am a settlement claimant and objector in the above-captioned case, and am not represented by counsel.

On August 29th, 2023, I served true and correct copies of the following document by email upon the persons set forth in the attached **Exhibit A**. On August 30th, 2021, I served true and correct copies of the following document by First Class mail, postage prepaid, upon the persons set forth in the attached **Exhibit B**.

• **Objection to Plaintiffs' Notice of Motion and Motion for Final Settlement Approval**

August 30, 2023

State of

County of [REDACTED]

David Lee Lambert

Subscribed and sworn to (or affirmed) before me on this 30th day of August, 20 23, by
David Lee Lambert, proved to me on the basis of satisfactory evidence to be the person who appeared
before me.

Exhibit A: Email Service List

| Party | Firm | Individual | E-mail address |
|--------------------------|-----------------------------|-------------------|--|
| Settlement Administrator | N/A | N/A | info@FacebookUserPrivacySettlement.com |
| Sarah Feldman | | John J Pentz | jjpentz3@gmail.com |
| Plaintiffs generally | Keller Rohrback LLP | Kendrick Jan | kj@jan-law.com |
| | | Derek Loeser | dloeser@kellerrohrback.com |
| | | Cari Laufenberg | clauenberg@kellerrohrback.com |
| | | Ben Gould | bgould@kellerrohrback.com |
| | | Chris Springer | cspringer@kellerrohrback.com |
| Facebook | Gibson, Dunn & Crutcher LLP | Martie Kutscher | mkutscherclark@gibsondunn.com |
| | | Orin Snyder | osnyder@gibsondunn.com |
| Federal Trade Commission | N/A | N/A | antitrust@ftc.gov |

Exhibit B: Postal Service List

Lesley E. Weaver
 Anne Davis
 Bleichmar Fonti & Auld LLP
 555 12th Street, Suite 1600
 Oakland, CA 94607

Rosemarie Ring
 Gibson, Dunn & Crutcher LLP
 555 Mission Street, Suite 3000
 San Francisco, CA 94105-0921

Derek W. Loeser
 Cari Campen Laufenberg
 Keller Rohrback LLP
 1201 Third Avenue, Suite 3200
 Seattle, WA 98101

Scott Tucker
 Vice President & Deputy General Counsel,
 Global Litigation
 Meta Platforms, Inc.
 1601 Willow Road
 Menlo Park, CA 94025





OBJECTION

87

Claim Action Clerk: this is in regards to accessibility to Forms

August 25, 2023

In re: Facebook, Inc. Consumer Privacy User Profile Litigation, Case No. 3:18-md-02843-VC (N.D. Cal.); (ii) your full name, address, telephone number, and email address; (iii) your Facebook account URL (if reasonably available) and the email address associated with your Facebook account; (iv) the full name, address, telephone number, and email address of your counsel (if you are represented by counsel); (v) a statement that you were a Facebook user during the Class Period and the dates of such use; (vi) a statement of whether your objection applies only to you, to a specific subset of the class, or to the entire class; (vii) a statement of the number of times in which you (and, where applicable, your counsel) have objected to a class action settlement, along with the caption of each case in which you (or your counsel) made such objection; (viii) a statement of whether the objector has sold or otherwise transferred the right to their recovery in this Action to another person or entity, and, if so, the identity of that person or entity; (ix) a statement of the specific grounds for the objection, including any legal or factual support and any evidence in support of the objection; (x) a statement of whether you intend to appear at the Final Approval Hearing, and if so, whether personally or through counsel; and (xi) your signature. These requirements may be excused by the Court upon a showing of good cause.

Name:

Michele Leonard, [REDACTED]

RECEIVED

Phone number: [REDACTED] email: [REDACTED]

SEP 05 2023

Facebook Username: [REDACTED]

Email: [REDACTED]

CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA

I use Facebook. Began on Facebook on July 14, 2009 and still use it today.

This is a complaint on the behalf of an entire group of people who have not been notified of this settlement, and have not been given an equal opportunity to file claims in a method convenient to them.

To the best of my knowledge I have not objected to any part of this settlement or other settlements.

As I stated above this is not an objection to the settlement. **It is an objection to the method used to identify those involved in the settlement.** It is a complaint, that not all people, who have used Facebook in the United States have had an equal opportunity to know of this lawsuit and settlement, or file any claim that they may be entitled too.

My friends are blind. They need this settlement to be, for lack of a better word, advertised in places and by methods where they would normally find information: Blind associations and their counterparts. There are, also many people with other types of disabilities that need to know of this settlement and have not been given appropriate notice about the settlement or its claim process.

Ways to fix this problem:

1. Delay the claim end date
2. Require other sources, to be used to advertise this settlement; including, but not limited to: Veterans, Blind, Deaf, Elderly, Schools, Community associations and other places and forms of communication that people use; including but not limited to FACEBOOK itself through their notification system.
3. Use an Accessible web design, that a person with a disability can fill out forms on. Without the help of a friend.
4. **Correct the directions for how to find the Facebook username. They are wrong and misleading.** The form paper I received had the following instructions: navigate to "Account" > "Settings and Privacy" > "General Account Setings" > "username" **That is not the correct path to find a username. The word "user name" is not even in the path that is the correct one.** The correct path is "Account" > " Settings and Privacy" > "settings" > "access your information" > "auto fill information" and then scroll to the Contact Info: Facebook There is no where in that path that states: USER NAME. IN FACT, if one looks at the step of "autofill" it describes a MOBILE INFORMATION as the description found under "Auto fill". Even on the settlement website itself, the directions for how to find a "username" suggest use FAQ. Most people think their username is the name they have on the Facebook introduction to them page, or their email address.
5. Finally, acknowledge that many different people, including disable and first language is something other than English or Spanish use Facebook. Write an apology.
6. Delay, refile, any dates involving a comment period for the settlement or any action for the settlement.
7. Take into account, that if correctly advertised this settlement should be increased in monetary value.

I emphasize: DELAY THE END DATE FOR CLAIMS. FIX THE PROESS, INCLUDE EVERYONE ON OR WERE ON FACEBOOK IN THE TIME DESIGNATED FOR THE SETTLEMENT.

Michele or Shelly, Leonard Aug. 25. 2023
Michle Leonard, aka Shelly Leonard

S. Leonard

[REDACTED]
30 AUG 2023 PM 3 L



RECEIVED

SEP 05 2023

CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Class Action Clerk
United States District Court for
the Northern District of CALIFORNIA
450 Golden Gate Avenue Box 36060
SAN FRANCISCO, CA 94101-3489

34102-340899

[REDACTED]

OBJECTION

88

Hon. Vince Chhabria, U.S.D.J.
United States District Judge
Northern District of California
450 Golden Gate Avenue, 17th Fl.
San Francisco, CA 94102

September 2, 2023



**Re: FACEBOOK, INC, CONSUMER
PRIVACY USER PROFILE LITIGATION**

Case No. 3: 18-MD-02843-VC

Dear Judge, Chhabria

See attached copies of my claim form sent by certified mail number [REDACTED] and the confirmation of postal delivery of my claim form dated August 9th 2023; I am objecting to the class action settlement due to the ramification of the political agenda to cover-up [REDACTED]

[REDACTED]
[REDACTED].

My claim form was submitted before August 25th 2023 of the last claim dated and I haven't heard back from the claim administrator's office providing me a claims number as yet.



Ronald Bass

cc: Claim Administrator
infor@FacebookUserPrivacySettlement.com

Also I am sending a copy of this letter and attachment by regular mail
Magistrate Judge Alex G. Tse
Mark B. Busby, Clerk
U.S. District Court Clerk's Office

Your claim must be submitted online or postmarked by: **August 25, 2023**

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FCP

Claim Form

I. YOUR CONTACT INFORMATION

Provide your name and contact information below. You must notify the Settlement Administrator if your contact information changes after you submit this form. NOTE: The personal information you provide below will be processed only for purposes of effectuating the Settlement.

Ronaldo

First Name

Bass

Last Name

Street Address

City

State

Zip Code

Current Phone Number

Email Address

II. DETAILS

| | |
|---|---|
| <p>Did you reside in the United States at any time between May 24, 2007 and December 22, 2022; inclusive?</p> | <p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> |
| <p>Were you a Facebook user at any time between May 24, 2007 and December 22, 2022?</p> | <p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> |

Phone Number(s):

1. [REDACTED]
2. [REDACTED]
3. [REDACTED]

Username(s):

This information can be found on the Facebook mobile application or the website by navigating to "Account" > "Settings and Privacy" > "General Account Settings" > "Username."

1. [REDACTED]
2. [REDACTED]
3. [REDACTED]
4. [REDACTED]
5. [REDACTED]

IF YOU CURRENTLY HAVE A FACEBOOK ACCOUNT, YOU DO NOT NEED TO ANSWER THIS QUESTION AND CAN PROCEED TO SECTION III.

If you were a Facebook user at any time between May 24, 2007 and December 22, 2022, but have since deleted your account:

Provide the date range you were a Facebook user.

Enter dates as MM/YY (e.g., 01/10 for January 2010).

Start Date:
2/14/2006
MM YY

End Date:
07/11/2021
MM YY

III. METHOD FOR RECEIVING PAYMENT (choose one)

Please select one of the following payment options:

Prepaid Mastercard – Enter the email address where you will receive the Prepaid Mastercard:
[REDACTED]

PayPal - Enter your PayPal email address: _____

Venmo - Enter the **mobile number** associated with your Venmo account: _____

Zelle - Enter the **email address or mobile number** associated with your Zelle account:

Physical Check - Payment will be mailed to the address provided above.

IV. VERIFICATION AND ATTESTATION UNDER OATH

By signing below and submitting this Claim Form, I hereby swear under penalty of perjury that I am the person identified above and the information provided in this Claim Form is true and correct.

Ronald Bass
Your signature

Date: 08-06-2023
MM DD YYYY

Ronald Bass
Your name

REMINDER CHECKLIST

1. Please make sure you answered all the questions on the Claim Form. Be sure to select only one payment option.
2. Please make sure that you signed and dated the Claim Form.
3. Please keep a copy of your completed claim form for your own records.
4. Please submit your completed Claim Form online OR by mail by August 25, 2023 to: Facebook Consumer Privacy User Profile Litigation, c/o Settlement Administrator, 1650 Arch Street, Suite 2210, Philadelphia, PA 19103

**U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
*Domestic Mail Only***

For delivery information, visit our website at www.usps.com

OFFICIAL USE

Certified Mail Fee
\$

Extra Services & Fees (check box, add fee as appropriate)

| | |
|--|----------|
| <input type="checkbox"/> Return Receipt (hardcopy) | \$ _____ |
| <input type="checkbox"/> Return Receipt (electronic) | \$ _____ |
| <input type="checkbox"/> Certified Mail Restricted Delivery | \$ _____ |
| <input type="checkbox"/> Adult Signature Required | \$ _____ |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$ _____ |

Postage
\$

Total Postage and Fees
\$

Sent To *Facebook Settlement*

Street and Apt. No., or P.O. Box No. *1650 Arden St., Suite 220*

City, State, ZIP *Philadelphia, PA 19103*

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

Postmark Here

USPS Tracking®

[FAQs >](#)**Tracking Number:**[Remove X](#)[Copy](#)[Add to Informed Delivery \(https://informeddelivery.usps.com/\)](https://informeddelivery.usps.com/)

Latest Update

Your item has been delivered to an agent for final delivery in PHILADELPHIA, PA 19103 on August 9, 2023 at 4:51 pm.

Get More Out of USPS Tracking:

[USPS Tracking Plus®](#)[Feedback](#)

Delivered to Agent

Delivered to Agent for Final Delivery

PHILADELPHIA, PA 19103

August 9, 2023, 4:51 pm

In Transit to Next Facility

August 8, 2023

Departed Post Office

August 7, 2023, 5:11 pm

USPS in possession of item

August 7, 2023, 11:10 am

[Hide Tracking History](#)

[What Do USPS Tracking Statuses Mean? \(https://faq.usps.com/s/article/Where-is-my-package\)](https://faq.usps.com/s/article/Where-is-my-package)

Text & Email Updates



Confirmation - We Received Your Request

[REDACTED]

Your updates will be sent to:

[REDACTED]

When new tracking activity is available, you'll get notifications based on your selections.

USPS Tracking Plus®



Product Information



See Less

Track Another Package

Enter tracking or barcode numbers

Need More Help?

Contact USPS Tracking support for further assistance.

FAQs

Ronald Bass



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NORTHERN DISTRICT OF CALIFORNIA

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R2304H108019-57

Mark B. Bushy, Clerk
U.S. District Court Clerk Office
Northern District of California
450 Golden Gate Avenue
San Francisco, CA 94102



